

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

JERRY HERMAN, #659175

§

VS.

§

CIVIL ACTION NO. 5:05cv28

STATE OF TEXAS

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE** as frivolous. Such dismissal shall not prevent Petitioner from refiling his complaint in the form of a Section 1983 action seeking appropriate relief.

The Court

ORDERS that all motions not previously ruled on are denied.

SIGNED this 22nd day of August, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE